NEHEMIAH ROBINSON J-71342
CALIPATRIA STATE PRISON (ASU, E-POD #148)
P.O. BOX 5008
CALIPATRIA, CA. 92233

FILED
JUL - 3 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON,

Plaintiff,

V.

T. CATLETT, ET, AL.,

Defendants.

08-CV-00161-H (BLM)

PLAINTIFF'S NOTICE OF FIRST AMENDED COMPLAINT; AND DECLARATION OF PLAINTIFF THERE WITH.

HEARING: JULY 28, 2008
TIME: 9:00 A.M
COURT ROOM: SUITE 5140
JUDGE: THE HONORABLE BARBARA L. MAJOR

TO THE HONORABLE COURT AND DEFENDANTS':

NEHEMIAH ROBINSON, PLAINTIFF, PRO'SE, PUTS THE COURT ON NOTICE THAT ON JUNE 29, 2008, PLAINTIFF SUBMITTED HIS FIRST AMENDED COMPLAINT AND DECLARATION OF PLAINTIFF THEREWITH, TO CORRECTIONAL OFFICER A. LARA, BY PLACING THE ORIGINAL AND TWO COPIES INSIDE OF A MEDIUM-SIZED-MANILA-ENVELOPE, ADDRESSED TO: CLERK OF U.S. DISTRICT COURT, 880 FRONT STREET, ROOM 4290, SAN DIEGO, CA. 92101-8900. PURSUANT TO F.R.C.P. 15(a) WHICH STATES THAT "A PARTY MAY AMEND THE PARTY'S PLEADING ONCE AS A MATTER OF COURSE AT ANY TIME BEFORE A RESPONSIVE PLEADING IS SERVED." AN ANSWER IS A RESPONSIVE PLEADING, BUT A MOTION TO DISMISS IS NOT. AND THE COURT HAVE NOT RULED ON THE DEFENDANT'S MOTION TO DISMISS PLAINTIFFS COMPLAINT. THUS, PLAINTIFF HAVE A RIGHT TO AMEND THE COMPLAINT ONCE TO CORRECT THE DEFECTS IN PLAINTIFFS COMPLAINT.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON JUNE 29, 2008.

SIGNATURE: [signature]
NEHEMIAH ROBINSON
PRO 'SE

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, NEHEMIAH ROBINSON J-71342 DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE PLAINTIFF IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 30TH DAY OF: JUNE 2008 AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE) [signature]
(DECLARANTIPRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, NEHEMIAH ROBINSON J-71342 AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002. CALIPATRIA, CALIFORNIA #92233-5002.

ON JUNE 30, 2008 I SERVED THE FOREGOING: PLAINTIFFS' NOTICE OF MOTION AND MOTION REQUESTING A FORTY-DAY EXTENSION OF TIME TO RESPOND TO DEFENDANTS MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF D. BELL; REQUEST FOR JUDICIAL NOTICE; AND PLAINTIFF'S NOTICE OF FIRST AMENDED COMPLAINT AND DECLARATION OF PLAINTIFF THEREWITH; AND DECLARATION OF PLAINTIFF
(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)
ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

CLERK OF U.S. DISTRICT COURT
880 FRONT STREET, ROOM 4290
SAN DIEGO, CA. 92101-2900

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF ATTORNEY GENERAL
110 WEST A STREET, SUITE 1100
P.O. BOX 85266
SAN DIEGO, CA. 92186-5266
ATTN: MS. SYLVIE P. SNYDER
(DEPUTY ATTORNEY GENERAL)

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: JUNE 30, 2008. [signature]
(DECLARANTIPRISONER)